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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,259	10/25/2005	Mitsuo Ochi	T0509 70012US00	3132
23628 7590 01/06/2010 WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER				
BURK, CATHERINE E				
ART UNIT		PAPER NUMBER		
3735				
MAIL DATE		DELIVERY MODE		
01/06/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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10554259	10/25/2005	OCHI, MITSUO	T0509 70012US00

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Commissioner for Patents

Newly submitted claims 15-65 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims and the newly submitted claims do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the common technical feature in both groups is the cell and the magnetic particle. This element can not be a special technical feature under PCT Rule 13.2 because the element is shown in the prior art by Margolis (Biochimica et Biophysica Acta, 735: 193-195, 1983). Margolis teaches a cell comprising a ferromagnetic particle in the form of a magnetoliposome that is attached to the surface of the cell.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 15-65 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on September 15th, 2009 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because of the reasons given above.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/Samuel Gilbert/
Primary Examiner
Art Unit 3735

/C. E. B./
Examiner, Art Unit 3735